

1 BARRY J. PORTMAN
Federal Public Defender
2 LARA S. VINNARD
Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
San Jose, CA 95113
4 Telephone: (408) 291-7753
5 Counsel for Defendant FITZGERALD

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8 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SAN JOSE DIVISION

E-FILED - 9/21/06

10 UNITED STATES OF AMERICA,) No. CR 06-0074 RMW
11)
Plaintiff,)
12) **STIPULATION TO CONTINUE**
v.) **HEARING AND EXCLUDE TIME;**
13) **ORDER**
JAMES FITZGERALD,)
14)
Defendant.)
15 _____)

16 Defendant and the government, through their respective counsel, hereby stipulate that,
17 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
18 Monday, September 18, 2006, should be continued to October 23, 2006, The defense requests
19 the continuance because the defense requires additional time to discuss possible settlement with
20 Mr. Fitzgerald, and the government requires time to consider a settlement offer.

21 The parties further agree that time should be excluded under the Speedy Trial Act from
22 September 18, 2006, to October 23, 2006, because the defense requires time for investigation and
23 preparation, and the ends of justice outweigh the defendant's and the public's need for a speedy
24 trial.

1 Dated: 9/14/06

/s/
LARA S. VINNARD
Assistant Federal Public Defender

3 Dated: 9/14/06

/s/
SUSAN KNIGHT
Assistant United States Attorney

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6 **ORDER**

7 The parties have jointly requested a continuance of the hearing set for September 18,
8 2006, on grounds that the defense requires additional time for preparation, and the government
9 requires time to consider a settlement offer.

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
11 presently set for September 18, 2006, be continued to October 23, 2006, at 9:00 a.m.

12 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
13 from September 18, 2006, to October 23, 2006, shall be excluded from the period of time within
14 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

15 Dated: 9/21/06

/S/ RONALD M. WHYTE
RONALD M. WHYTE
United States District Judge